

ESTTA Tracking number: **ESTTA61006**

Filing date: **01/09/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following parties oppose registration of the indicated application.

Opposers Information

Name	Pro Football, Inc.
Granted to Date of previous extension	01/08/2006
Address	21300 Redskin Park Drive Ashburn, VA 20147 UNITED STATES

Name	NFL Properties LLC
Granted to Date of previous extension	01/08/2006
Address	280 Park Avenue New York, NY 10017 UNITED STATES

Attorney information	Jennifer L. Co White & Case LLP 1155 Avenue of the Americas New York, NY 10036 UNITED STATES trademarkdocket@whitecase.com, cbogdanos@whitecase.com, jco@whitecase.com, jarose@whitecase.com Phone:(212) 819-8200
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Applicant Information

Application No	76570322	Publication date	07/12/2005
Opposition Filing Date	01/09/2006	Opposition Period Ends	01/08/2006
International Registration No.	NONE	International Registration Date	NONE
Applicant	Peak Performance Production AB Box 27224 S-102 53 Stockholm, SWEDEN		

Goods/Services Affected by Opposition

Class 018. All goods and sevicees in the class are opposed, namely: handbags and traveling bags
Class 025. All goods and sevicees in the class are opposed, namely: sportswear, namely, shoes, shorts, pants, shirts, skirts, jeans, jerseys, polo shirts, t-shirts, sweatpants, sweatsuits, sweatshirts, jackets, caps and handbands

Attachments	Notice of Opposition - Peak Performance.pdf (7 pages)
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Signature	/Jennifer L. Co/
Name	Jennifer L. Co
Date	01/09/2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 76/570,322
Published in the Official Gazette on July 12, 2005



Mark:

PRO-FOOTBALL, INC. and NFL
PROPERTIES LLC,

Opposers,

-against-

PEAK PERFORMANCE PRODUCTION
AB,

Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

TO THE ASSISTANT COMMISSIONER FOR TRADEMARKS:

Opposers Pro-Football, Inc. and NFL Properties LLC (“NFLP”) believe they will



be damaged by registration of the mark as shown in the above-identified application and hereby oppose the same pursuant to Section 13(a) of the Trademark Act of 1946, as amended (the “Lanham Act”), 15 U.S.C. § 1063(a).

As grounds for the opposition, Opposers allege that:

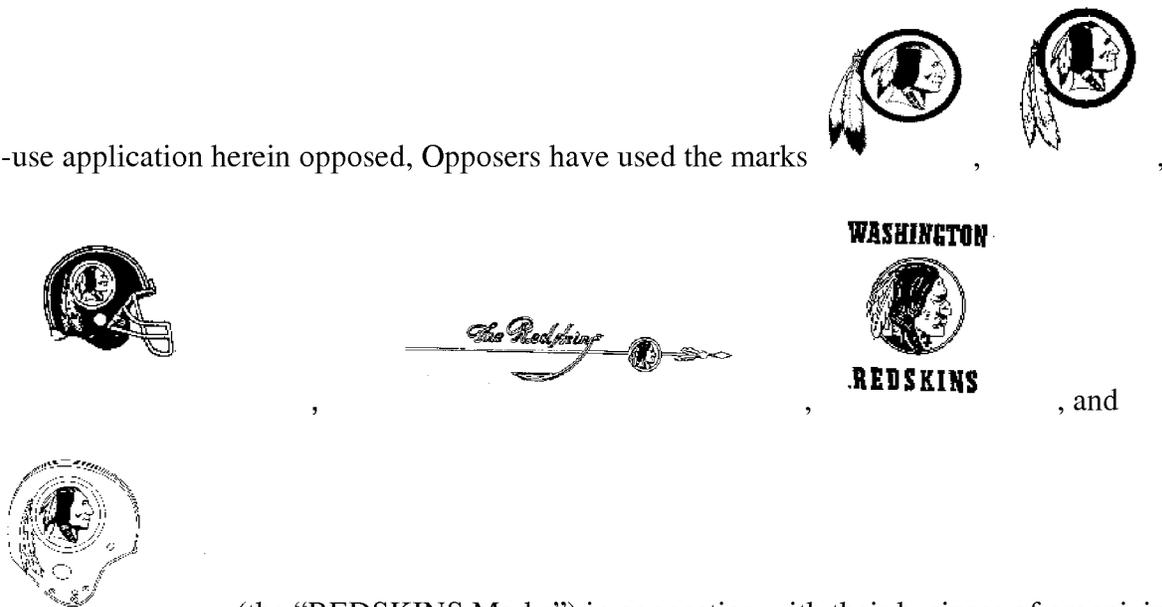
1. Opposer Washington Redskins (the “Redskins” or the “Redskins Club”), a corporation organized and existing under the laws of Maryland with its principal place of business at 21300 Redskin Park Drive, Ashburn, Virginia 22011, owns and operates the Washington Redskins football franchise, providing entertainment services to the public in the

form of competitive professional football games. The Washington Redskins football franchise is one of the thirty-two member clubs (the "Member Clubs") of the National Football League ("NFL").

2. Opposer NFL Properties LLC ("NFLP"), a limited liability company organized and existing under the laws of Delaware with its principal place of business at 280 Park Avenue, New York, New York 10017, has been authorized by the NFL and the Redskins Club to use their respective trademarks for commercial purposes, to promote the NFL and its Member Clubs and to protect their trademarks.

3. For many years and long before January 16, 2004, the filing date of the intent-

to-use application herein opposed, Opposers have used the marks



(the "REDSKINS Marks") in connection with their business of organizing, conducting, and promoting the Washington Redskins football franchise.

4. For many years and long before January 16, 2004, the filing date of the intent-to-use application herein opposed, Opposers and their authorized business partners, sponsors, and licensees have used the REDSKINS Marks on or in connection with the sale of a wide variety of goods and services, including clothing.

5. Opposers actively seek to identify and stop perceived infringers of the REDSKINS Marks.

6. During their long, widespread and continuous use of the REDSKINS Marks, Opposers and their authorized business partners, sponsors, and licensees have expended considerable time, effort, and money in advertising and publicizing the sale of goods and services bearing the REDSKINS Marks.

7. Opposers and their licensees and sponsors have sold, and offered for sale, goods and services bearing the REDSKINS Marks in a trading area of broad geographical scope encompassing, inter alia, all of the states and territories of the United States.

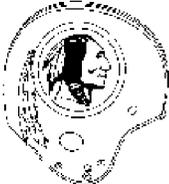
8. Opposers and their licensees and sponsors have sold, and offered for sale, goods and services bearing the REDSKINS Marks in numerous channels of trade.

9. For many years and long before January 16, 2004, the filing date of the intent-to-use application herein opposed, the print and broadcast media and the general public have used the REDSKINS Marks many thousands of times when referring to the Washington Redskins football franchise. Such use by the media and the public inures exclusively to the benefit of Opposers.

10. Opposers' widespread use of the REDSKINS Marks on a variety of goods and services, Opposers' extensive advertising and publicity of such goods and services, and the thousands of uses by the media of the REDSKINS Marks when referring to Opposers have contributed to the powerful consumer association between the REDSKINS Marks and Opposers, and have made the REDSKINS Marks famous.

11. The REDSKINS Marks have a high degree of distinctiveness due to the duration and extent of Opposers' use, advertising, and publicity of the REDSKINS Marks.

12. In addition to Opposers' common law rights in the REDSKINS Marks, Opposer Pro-Football, Inc. owns the following federal trademark registrations for the REDSKINS Marks:

<u>Registration Number</u>	<u>Mark</u>	<u>International Class</u>	<u>Date of First Use</u>
2,902,746		009	7/00/1972
1,861,766		016, 025	7/00/1972
1,086,644		041	7/11/1972
987,127		041	01/00/1941
986,668	WASHINGTON  REDSKINS	041	01/00/1941
989,220		041	7/11/1972

Registration Nos. 1,861,766; 1,086,644; 987,127; 986,668; and 989,220 are incontestable pursuant to Section 15 of the Lanham Act, 15 U.S.C. § 1065.

13. By the application herein opposed, Applicant seeks to register the



designation for “handbags and traveling bags” in International Class 18 and for “sportswear, namely, shoes, shorts, pants, shirts, skirts, jeans, jerseys, polo shirts, t-shirts, sweatpants, sweatsuits, sweatshirts, jackets, caps and handbands” in International Class 25.

14. These goods and services for which Applicant seeks registration are similar to goods and services in connection with which Opposers’ REDSKINS Marks are in use.

15. Applicant filed this application on January 16, 2004, many years after Opposers started using the REDSKINS Marks, and after the marks had become famous.

16. Opposers will be damaged by the registration sought by Applicant because such registration will support and assist Applicant in the confusing and misleading use of the mark sought to be registered, and will give color of exclusive statutory rights to Applicant in violation and derogation of the prior and superior rights of Opposers.

17. Registration should be refused pursuant to Section 2(a) of the Lanham Act,



15 U.S.C. § 1052(a), on the grounds that Applicant’s use of the designation falsely suggests a connection between Applicant and Opposers named herein, to the damage of Opposers.

18. Registration should be refused pursuant to Section 2(d) of the Lanham Act,



15 U.S.C. § 1052(d), on the grounds that Applicant's designation so resembles the REDSKINS Marks used consistently by Opposers in the United States, as to be likely, when used on or in connection with paper goods and printed matter and clothing, to cause confusion, or to cause mistake, or to deceive, with consequent injury to Opposers and to the public.

19. Registration should be refused pursuant to Sections 2(f) and 13(a) of the Lanham Act, 15 U.S.C. §§ 1052(f) and 1063(a), on the grounds that Opposers will be damaged by the registration sought by Applicant because the registration will dilute the distinctive and famous quality of the REDSKINS Marks.

WHEREFORE, Opposers believe they will be damaged by the registration by



Applicant of the designation for the goods identified in Application Serial Number 76/570,322 and respectfully request that the opposition be sustained and registration of said mark be denied.

